

Remarks

Claims 1-4, 6-12, 15-21 and 23-26 are presented for prosecution. Claims 1-4, 6-9, 19-21 and 23-26 remain rejected under 35 USC 101. Claims 1-4, 6-12, 15-21 and 23-26 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Bakalash, US 6,385,604 or admitted prior art, in view of Brickell, US 6,678,676. Claims 1, 10 and 19 have been amended herein to address the 35 USC 101 rejections and more particularly clarify subject matter already presented that will place the claims in better form for Appeal. Accordingly, entry of the Amendment is proper. Claim 14 has been cancelled. In previous responses, Applicant cancelled claims 5, 13, and 22. However, the Final Office Action fails to note the previous cancellations, which has resulted in some confusion regarding the status of the claims. Clarification is respectfully requested.

Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

35 USC 101

With regard to the 35 USC 101 rejections, Applicant has herein amended independent claims 1 and 19. In particular, claim 1 now recites “a query analysis system that displays” and claim 19 recites a function, namely, “utilizing at least one of the proposed summary tables in a subsequent database search.” Accordingly, withdrawal of the 35 USC 101 rejections is respectfully requested.

35 USC 103(a)

Applicant respectfully traverses the 35 USC 103(a) rejections and submits that all claims are allowable of the cited art. “To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP 706.02(j).

A. The prior art fails to teach or suggest using a combination of time saved and summary table size

With regard to claim 1 (and similarly claims 10 and 19), Applicant respectfully submits that the prior art fails to teach or suggest all of the claim limitations. As previously argued, claim 1 recites, *inter alia*, “wherein the performance measure is a combination of time saved and summary table size.” In both the first and Final Office Action, the Office alleges that this feature is taught in column 3, lines 16-24 of Brickell. Applicant continues to traverse this conclusion.

The aforementioned passage clearly does not teach using “a **combination**” of time saved and summary table size to arrive at the performance measure. Instead, Brickell teaches that in certain circumstance time information may need to be estimated because no summary was ever produced. In this case, size of the summary may be used

to estimate the query execution time. Using the size to estimate an execution time is not the same thing as using a combination of size and time. Instead, Brickell teaches using one or the other, i.e., (1) use time if the timing information is available, or (2) use size to estimate time if the timing information is not available. Nowhere does Brickell teach or suggest using a combination of the two to arrive at a performance measure.

B. The prior art fails to teach or suggest using subsets of characteristics to generate performance data

Claim 1 (and similarly claims 10 and 19), recites, *inter alia*, “analyzing performance data of execution queries using *characteristics relating to each proposed summary table* and performance data of execution queries using *subsets of characteristics found in each proposed summary table*.” As is commonly understood in the field of OLAP processing, a characteristic represents a dimension or column upon which a query can be based, e.g., location, salary, position, etc. A subset of characteristics comprises any subsets of the columns that have also been searched, e.g., “location and position” or “location and salary.” The specification is replete with the use and concept of the term characteristic.

Nowhere does any of the prior art teach or suggest using both the summary table characteristics and subsets of characteristics to create a performance measure. The Final Office Action, in discussing claims 5, 14 and 19, states that Brickell in columns 8, lines 35-44 teaches a performance measure based on “the number of rows reduced to over the number of rows for the table/tables being represented.” It further states that column 2, lines 28-34 teaches “calculating a performance measure for each proposed summary, time

saved and summary table size both being characteristics relating to the summary and a subset of characteristics.” As noted above, the term *characteristic*, as commonly understood in the art and defined throughout Applicant’s specification, refers to a column or dimension used to create a query. Column 2, lines 28-34 never teaches or suggests, or even mentions, the use of subsets of characteristics in determining a performance measure. Even using a broadest possible meaning, time saved and summary table size could not possibly be interpreted as “characteristics found in each proposed summary table,” as recited e.g., in claim 1. Such items are not found in a summary table.

Accordingly, for these reasons, Applicant submits that all claims are allowable over the art of record. The remaining dependent claims not specifically discussed herein are believed allowable for the reasons stated above, as well as for their own additional features.

Applicant respectfully submits that the application is in condition for allowance.

If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Hoffman", followed by a horizontal line.

Michael F. Hoffman
Reg. No. 40,019

Dated: March 19, 2007

Hoffman, Warnick & D'Alessandro LLC
75 State Street
Albany, NY 12207
(518) 449-0044 - Telephone
(518) 449-0047 - Facsimile